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TO: Commissioner for Patents
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ATTENTION: Ken Horlick

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APPL. NO. 09/669,236

FILED: September 25, 2000

DOCKET NO: WOLFRUM

TYPE OF PAPER: Interview Summary

DATE: October 6, 2004

NO. OF PAGES (including this page): 2 pages

MESSAGE: please take into account prior to issue of the patent

CERTIFICATION OF FACSIMILE TRANSMISSION

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Dear Examiner Horlick-

This memorializes our telephone discussion on October 6, 2004 relating to application no. 09/669,236, which is currently in the issue phase. The issue fee was due to be paid by September 7, 2004. On September 3, 2004 applicant filed an Amendment under Rule 312 perfecting the claim of priority from the German priority application and forwarded a plain copy of the German priority document, since a certified copy was not at hand at the time. In the amendment applicant stated that it would forward the certified copy when received. The issue fee was timely on September 7, 2004.

Subsequently, the undersigned's office learned that a certified copy of the German priority document could not be obtained since the German Patent Office had destroyed the file, prior to publication. However, the submission of the priority document can be gleaned from the PCT application data in a number search at the site <http://ep.espacenet.com> and the WO9950446 publication number.

Applicant has made a diligent effort to prove priority on the presently available documentation. When the application comes to your hands, please take the foregoing into account. If there are any further question please contact applicant's attorney at 212-904-1815.